

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

COVID-19 OPERATING POLICIES, PROCEDURES AND PLAN FOR  
RESUMPTION OF IN-PERSON HEARINGS IN THE DISTRICT COURT

JULY 2020

CHIEF JUDGE PAMELA PEPPER  
Clerk of Court Gina Colletti

Civil Recovery Committee

Chief Judge Pam Pepper  
Magistrate Judge Nancy Joseph  
Magistrate Judge Bill Callahan  
Chief Bankruptcy Judge G. Michael  
Halfenger  
Bankruptcy Judge Beth Hanan  
Bankruptcy Judge Brett Ludwig  
Clerk of district court Gina Colletti  
Jury coordinator Denise LaBrie  
Jury coordinator Lisa Forseth  
Assistant A.G. Laure Rakvic-Farr  
Assistant City Attorney Julie Wilson  
Attorney Lurna Kinnel  
Attorney Mark Cameli  
Attorney Laura Brenner  
Attorney Nathan DeLadurantey  
Attorney Larry Johnson  
AUSA Susan Knepel  
Dr. Geof Swain

Criminal Recovery Committee

Chief Judge Pam Pepper  
Magistrate Judge Nancy Joseph  
Chief Probation Officer Mike Klug  
Deputy Chief P.O. Jessica Hoene  
U.S. Attorney Matt Krueger  
Assistant U.S. Attorney Laura  
Kwaterski  
Clerk of district court Gina Colletti  
Jury coordinator Denise LaBrie  
Jury coordinator Lisa Forseth  
Assistant Fed. Defender Ronnie  
Murray  
Attorney Bob LeBell  
Courtroom Deputy Katina Hubacz  
IT director Phil Bartelme  
Deputy U.S. Marshal Gary Enos  
Dr. Geof Swain

Green Bay Task Force: Judge William Griesbach, Magistrate Judge James Sickel, Deputy Clerk Terri Ficek, AUSA William Roach, Asst. Fed. Defender Thomas Phillip, Supervising P.O. Mitch Farra, Deputy U.S. Marshal Rod Clauss, Attorney George Burnett, Attorney Jonathon Smies, Attorney Tiffany Woelfel, Attorney Thomas Wilmouth and Brown County Public Health Department Assistant Director Ted Shove

## **I. Purpose of Plan**

To minimize to the extent reasonably possible the risk of COVID-19 infection to parties, attorneys, the public, court staff and agency staff while continuing the critical mission of providing access to the courts and ensuring the continued operation of the justice system.

## **II. History**

All COVID-19-related orders are on the court's web site, both on the COVID-19 page, [https://www.wied.uscourts.gov/covid\\_19](https://www.wied.uscourts.gov/covid_19), and on the General Orders page, <https://www.wied.uscourts.gov/gen-orders>.

## **III. Sources considered**

Since the inception of the COVID-19 crisis, the court has monitored guidance from the Wisconsin Department of Health Services, the Centers for Disease Control and Prevention, the World Health Organization, the City of Milwaukee Health Department and the Brown County Public Health Department. The court has had invaluable guidance and input from Dr. Geof Swan, former medical director of the Milwaukee Health Department and Dr. Nick Tomaro, public health emergency response planning coordinator for the Milwaukee Health Department, along with other members of the Milwaukee Health Department team, and in Green Bay, Ted Shove, Assistant Director of the Brown County Public Health Department. The court also has considered guidance from the Administrative Office of U.S. Courts and the Badger Bounce Back Plan for the state of Wisconsin.

## **IV. Scope of Plan**

This plan describes policies, procedures and practices for transitioning from suspension of in-person hearings to gradual resumption of in-person hearings with pandemic precautions. This plan does not cover resumption of jury trials; the court will provide a plan for resuming jury trials in a separate document.

## **V. Building/Courtroom Entry Procedures**

- For the Milwaukee Courthouse, the building entrance at 517 East Wisconsin Avenue will be the main entrance, because it provides the best space for social distancing. It has been marked to direct proper social distancing. Persons who are disabled or unable to enter through the Wisconsin Avenue entrance should use the Jackson Street entrance, which also has been marked to direct proper social distancing.

- For the Green Bay Court, the rear entrance to the Jefferson Court Building from the parking lot on Madison Street is the sole public entrance. It has likewise been marked to direct for proper social distancing and is handicap accessible.
- Visitors to the Milwaukee Pretrial Services and Probation Office should use the Michigan Street entrance, also marked to direct proper social distancing. For the Green Bay Pretrial Services and Probation Office, access is through the same entrance that is used for the Clerk, Court and Office of the U.S. Marshal.
- General Order 20-15 requires that all persons seeking entry to or occupying the Milwaukee courthouse—including, but not limited to, court staff, security personnel, vendors, contractors, litigants, attorneys, jurors and other members of the public—and the Green Bay courtroom must wear a face covering or mask in the public areas of the building. Public areas include the atrium/lobby, elevator banks, stairwells, restrooms, public corridors, clerk’s office counters and, unless excused by the presiding judge, courtrooms. A face covering or mask always must completely cover the wearer’s nose and mouth. The only persons excepted from this requirement are those who provide documentation that for medical reasons, they are unable to wear a face covering or children under the age of three (3).
- All persons seeking entry to the Milwaukee courthouse and the Green Bay courtroom are strongly encouraged to bring their own face covering or mask. Persons who do not bring their own face coverings or masks may obtain a disposable mask at the screening security station while supplies last; supplies will be limited. Any person who declines or refuses to wear a face covering and does not have documentation showing that they are unable to do so for medical reasons will be denied entry to the building. Such persons may contact by telephone the agency or office they intend to visit to explore alternatives to entering the courthouse.
- In addition to going through security screening, all persons seeking to enter the Milwaukee courthouse and the Green Bay courtroom will be required to answer the following questions:
  - In the past 14 days, have you been diagnosed with COVID-19, or told by a health professional to presume that you have COVID-19?
  - In the past 14 days, have you had close contact with or lived with anyone who has been diagnosed with COVID-19 or who was told by a health care professional to presume they had

COVID-19? (Close contact is defined as having been within 6 feet of someone for fifteen minutes or more.)

- In the past 14 days, have you been asked to self-quarantine by a doctor, hospital or health care provider or government agency?
- In the past 14 days, have you had any of the following symptoms that are not attributable to another, known condition, or have you lived with or had close contact with someone who has had these symptoms that are not attributable to another, known condition:

- Fever
- Chills
- Sore throat
- New or worsening cough
- Shortness of breath or trouble breathing
- Fatigue
- Muscle or body aches
- New loss of taste or smell
- Headache
- Congestion or runny nose
- Nausea, vomiting, or diarrhea

Persons who answer “yes” to any of the above questions will be denied courthouse access. Persons who exhibit symptoms of illness potentially indicating COVID-19 infection will be denied access. USMS law enforcement personnel and USMS-deputized court security officers have the authority to deny courthouse access to persons who otherwise reasonably appear to present a health risk. Those denied access will be provided information regarding the appropriate individual or entity to contact.

- While the court is trying to reduce as much as possible the number of people coming into the building and courtrooms, people who do come to the buildings should be prepared for it to take longer for them to get in.
- In the event that either location must close due to infection, the presiding judge will notify any parties scheduled for in-person hearings during the affected period.

## **VI. Procedures Inside the Milwaukee Courthouse and the Jefferson Court Building**

- As stated above, all persons must wear a mask or face covering in the public areas of the Milwaukee Courthouse. In Green Bay, the building owner also has adopted a policy requiring all visitors to the Jefferson

Court Building to wear a mask in all public areas of the building and to maintain social distancing.

- Persons entering either location must observe social distancing and must comply with all signs and instructions regarding social distancing when entering the building, when using elevators and stairwells and when occupying courtrooms. Refusal to comply with social distancing requirements may be grounds for ejection from the building or imposition of court sanctions.
- In the Milwaukee Courthouse, there are five elevators available for public use—a single elevator in the northwest corner near the Wisconsin Avenue entrance, two elevators in the southwest corner to the right of the bankruptcy court clerk’s office and two elevators in the southeast corner to the left of the bankruptcy court clerk’s office. Each elevator carries only one person, or one group of co-habiting individuals, safely for social distancing purposes. The Jefferson Court Building where the Green Bay Court is located has one elevator which carries only one person, or one group of co-habiting individuals, safely for social distancing purposes. The Green Bay courtroom is on the second floor which is easily accessible by stairs.
- Signs near the elevators remind parties to maintain social distance by limiting elevator capacity to one person or one co-habiting group.
- Each elevator or bank of elevators is near a stairwell. People who are able are encouraged to use the stairs, maintaining social distance of 6’ or more while in the stairwells and alternating to allow only one person or co-habiting group on a stair landing.
- People visiting the courthouse should be prepared for waits at the elevators.
- There are hand sanitizer dispensers located throughout the public areas of the building. The court strongly encourages any person visiting the court to use hand sanitizer before and after touching surfaces, and to avoid touching surfaces unless necessary.
- The courthouse landlord, the General Services Administration, cleans and sanitizes the building and frequently touched surfaces daily. The Jefferson Court Building is also cleaned and sanitized daily.

## VII. Procedures Inside Courtrooms

- Each judge observes different procedures. Before appearing in a courtroom, check the judge’s page on the court web site—<https://www.wied.uscourts.gov/>--under the “Our Judges” tab, or contact the judges’ chambers, to learn details about the judges’ procedures, including whether and when they are holding in-person hearings, whether they require face coverings in the courtroom, whether they require staggered entry times, whether their witness and conference rooms are available to parties and whether they require counsel to clean tables and chairs at the end of an in-person hearing.
- Some judges continue to use video hearings as much as possible. Others schedule hearings in-person unless the parties request a video hearing. If a party is unsure of a particular judges’ preference or procedure, the party should contact that judge’s chambers.
- Judges in the Milwaukee courthouse are scheduling in-person hearings in time blocks to minimize the number of people using the courts at a given time. Judges may have less flexibility in moving or rescheduling hearings as a result of this procedure.
- In cases where a judge has scheduled an in-person hearing, the court urges counsel or parties to bring to the presiding judge’s attention any concerns related to personal health issues, or the health issues of vulnerable family members, of counsel, parties, witnesses or victims. Counsel or a party may bring these concerns to presiding judge’s attention via email to the chambers of the presiding judge, with a copy to opposing counsel. The email need not disclose the precise nature of any medical condition; it may indicate simply that counsel, a party, a witness or a victim are of an age, or have medical conditions, that place them at an increased risk for COVID-19 complications.
- Some judges are conducting “hybrid” hearings, with a few parties in the courtroom in person and others attending via video. This reduces the number of people in the courtroom during an in-person hearing, while allowing extensive access to the hearing.
- Each courtroom is supplied with cleaning solution and towels or wipes. In some courtrooms, chambers staff will wipe down frequently touched surfaces before and after hearings. Counsel and parties should feel free to use any cleaning supplies to wipe down surfaces, if they would like. *Please do not use cleaning solution on Plexiglas barriers.*

- There are multiple hand sanitizer dispensers in each courtroom. Court staff monitor the hand sanitizer supply. The court strongly encourages parties appearing in person in courtrooms to use hand sanitizer before and after touching surfaces, and to wash their hands frequently with soap and water.
- Each courtroom has Plexiglas barriers in various locations. All courtrooms have a Plexiglas barrier around the witness stand and at least one counsel table. Some courtrooms have Plexiglas barriers on the bench and at the courtroom deputy's station.
- Taped squares on the floor mark locations for chairs at appropriate social distances. The court encourages parties to keep chairs in those boxes.
- Some chairs and benches have been removed from courtrooms to allow proper social distancing.
- Closed-loop devices are available to allow counsel and client to confer privately during an in-person hearing without coming into close physical proximity. If counsel anticipates a need to speak with a client during an in-person hearing, counsel should notify the staff of the presiding judge, so that staff may obtain the devices for the hearing.